

# EXHIBIT 7

Juanita Brooks (SBN 75934)  
Todd G. Miller (SBN 163200)  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

Jonathan E. Singer (SBN 187908)  
Fish & Richardson P.C.  
60 South Sixth Street, Suite 3300  
Minneapolis, MN 55402  
Attorneys for Defendants

Attorneys for Defendants Ademia Multimedia, LLC, AEBN, Inc.,  
Audio Communications, Inc., Club Jenna, Inc. Cyber Trend, Inc.,  
Cybernet Ventures, Inc., Game Link, Inc., Global AVS, Inc.,  
Innovative Ideas International, Lightspeed Media Group, Inc., National A-1  
Advertising, Inc., New Destiny Internet Group, LLC, VS Media, Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

ACACIA MEDIA TECHNOLOGIES  
CORPORATION,

Plaintiff,

v.

NEW DESTINY INTERNET GROUP,  
ET AL.,

Defendants.

AND REFERENCED  
CONSOLIDATED AND RELATED  
CASE

**Consolidated Cases:**

SA CV 02-1040 JW (MLGx)  
SA CV 02-1165-JW (MLGx)  
SA CV 03-0218-JW (MLGx)  
SA CV 02-1048-JW (MLGx)  
SA CV 03-0219-JW (MLGx)  
SA CV 03-0308-JW (MLGx)  
SA CV 03-0271-JW (MLGx)  
SA CV 03-0259-JW (MLGx)  
SA CV 02-1063-JW (MLGx)

**Related Cases:**

SA CV 03-1801 JW (MLGx)  
SA CV 03-1803 JW (MLGx)  
SA CV 03-1804 JW (MLGx)  
SA CV 03-1807 JW (MLGx)

**DEFENDANTS' CLAIM  
CONSTRUCTION BRIEF  
REGARDING UNITED STATES  
PATENT NO. 6,144,702**

Date: May 18-20, 2004  
Time: 9:30 a.m.  
Cttrm: 9C

1 elements, located at a second single premises, that function together to receive the  
2 transmitted electrical signals, where the transmitting assembly of elements and the  
3 receiving assembly of elements are connected so that electrical signals may be  
4 transferred between them.”

5 **1. “transmission system”: The Court Should Construe this**  
6 **Limitation to Mean an Assembly of Elements That Function**  
**Together To Transmit Electrical Signals.**

7 The IEEE dictionary defines “transmission system” as “an assembly of  
8 elements capable of functioning together to transmit signal waves.” (Ex. NN at 575.)<sup>2</sup>  
9 The “assembly of elements” set forth in this definition (i.e., the structure of the  
10 transmission system) is further defined in each of the ‘702 patent claims. The IEEE  
11 dictionary defines a “signal wave” as “a wave whose shape conveys some  
12 intelligence, message, or effect,” and a “wave” as “the variation of current, potential,  
13 or power at any point in the electric circuit.” (*Id.* at 572, 576.) Accordingly, “signal  
14 waves” are best described as electric signals.

15 These IEEE definitions for “transmission system” are consistent with the use of  
16 the term in the patent’s written description and its use in the prosecution history.  
17 Accordingly, the claim limitation may be given its common dictionary meaning.  
18 *ACTV, Inc. v. Walt Disney Co.*, 346 F.3d 1082, 1091 (Fed. Cir. 2003).

19 **2. “reception system”: The Court Should Construe this**  
20 **Limitation to Mean an Assembly of Elements That Function**  
21 **Together to Receive Electrical Signals From the Transmission**  
**System.**

22 The IEEE dictionary does not provide a definition for “reception system.”  
23 However, the claims indicate that the transmission system and reception system are in

24 <sup>2</sup> Citations to exhibits A-W in this brief refer to the Declaration of Todd G. Miller,  
25 which was filed with Defendants’ January 8, 2004 Claim Construction Brief.  
26 Citations to exhibits X-EE refer to the Supplemental Declaration of Todd G.  
27 Miller filed with Defendants’ January 22, 2004 Opposition Claim Construction  
28 Brief. Finally, exhibits FF- NN are attached to the Declaration of Todd G. Miller  
In Support of Defendants’ Claim Construction Brief Regarding United States  
Patent No. 6,144,702 filed herewith.

1 “data communication” with each other. Thus, the reception system receives the  
 2 electrical signals transmitted by the transmission system. Accordingly, an  
 3 appropriate construction for the “reception system” is the reciprocal of the  
 4 “transmission system”: an assembly of elements that function together to receive  
 5 electrical signals from the transmission system. This construction is consistent with  
 6 the specification’s use of “reception system” and its use during the prosecution of the  
 7 patent. *ACTV*, 346 F.3d at 1091.

8                   **3. “in data communication with”: The Court Should Construe**  
 9                   **this Limitation to Mean Connected To Allow the Transfer of**  
                   **Electrical Signals.**

10           The limitation “in data communication with” appears in the claims of the ‘702  
 11 patent 46 times to describe the connection between various elements of the claimed  
 12 communication system. In claim 1 alone, the phrase defines the connection between  
 13 the transmission and reception systems, the compressed data library and identification  
 14 encoder, the transceiver and transmission system, the storage device and transceiver,  
 15 and so on. Here, we are construing the meaning of “in data communication” with  
 16 respect to the transmission and reception systems.

17           The IEEE dictionary provides two definitions for “data communication,” each  
 18 for use in a specific context. The first definition, in the context of power engineering,  
 19 is “the movement of encoded information by means of communication techniques.”  
 20 (Ex. NN at 569.) The second definition, which applies on the context of computers,  
 21 is “a data transfer between data source and data destination via one or more data  
 22 links.” *Id.* The first IEEE definition is not particularly useful, as it provides less  
 23 clarity than the phrase “in data communication with.” The same is true of the second  
 24 definition. Although these definitions are not suitable to adopt for construction, they  
 25 do provide some guidance in that they demonstrate that “data communication”  
 26 involves the transmission of electrical signals (i.e., encoded information and  
 27 computer data).

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